

USDA/NRCS GOVERNMENT – OWNED PROPERTY

PROPERTY DAMAGE AND ACCIDENT REVIEW COMMITTEE

Objective: To review the circumstances of an incident and assess the potential liability of an employee, Earth Team volunteer, or partner employee if government owned property is lost, stolen, damaged or destroyed; to review employee government owned motor vehicle accidents; and determine whether the incident was an accident or a result of gross employee negligence or misconduct.

Definition of Property: Includes all forms of government owned property including office equipment, computers, vehicles, ATVs, snowmobiles, trailers, etc.

Definition of Employee Gross Negligence (GN): **The intentional, willful, or wanton failure to exercise a reasonable degree of care to protect property in one's custody in reckless disregard of the consequences of the action.**

Definition of Property Value: When government property is lost or stolen, replacement costs of a like item of similar age or mileage will determine property value. When government property is damaged, the cost of repairs will determine the maximum property value. If the repair costs exceed the current value of the item, then the depreciated replacement cost will determine the property value to be replaced.

Process: When the Property Management Officer (PMO) is advised of damage to government property, the PMO will work with the Accountable Property Management Officer (APO) to obtain all pertinent details and necessary paperwork. Property damage or loss valued at \$500 or more will then be forwarded to the Property Damage and Accident Review Committee. The committee will render their judgment as to whether a true accident occurred, gross employee negligence, or misconduct occurred and make their recommendation to the PMO. The PMO will review their findings and recommend the appropriate action to the State Conservationist for concurrence. The State Conservationist will send a determination letter through applicable line staff.

The PMO will review loss or damage to government property valued at less than \$500 and determines appropriate action.

Employee Gross Negligence (GN): (Table of Penalties)

Liability: First Offense – Letter of Warning or Reprimand placed in employee's OPF for one year. Depending on the circumstances and severity of the offense - may include additional disciplinary action up to and including employee dismissal and recovery of part or all of the replacement value of the property damaged or destroyed.

Second Offense – Same as first offense plus Letter of Warning or Reprimand placed in OPF for two years. In addition, payment to NRCS for not less than 10% of the property value or repair cost. Depending on the circumstances and severity of the offense, may include additional disciplinary action up to and including employee dismissal.

Third and Subsequent Offenses – Same as second offense. In addition, payment to NRCS for not less than 20% of the property value or repair cost. Depending on circumstances and severity of the offense, may include additional disciplinary action up to and including employee dismissal.

Summary: The employee, their supervisor, and the appropriate line officers or PSOS leader will be notified in writing of the decision along with a copy of the committee’s report. Employees determined liable for gross negligence or misconduct in the use and care of government property will have the right to appeal to the NRCS State Conservationist (STC) within 30 calendar days from the date of the decision letter. Appeal of the STC decision may be made to the Regional Assistant Chief, and ultimately the NRCS Chief within 30 calendar days after the STC decision on the employee appeal request for reconsideration.

NRCS Minnesota Employee Gross Negligence of Government Property

	Letter of Warning or Reprimand in OPF	% Property Cost Recovering	Dismissal
1 st GN offense	1 Year	0 – 100	Y/N*
2 nd GN offense	2 Years	≥ 10% - 100%	Y/N*
3 rd and subsequent Gross Negligence offense	2 Years from date of incident	≥ 20% - 100%	Y/N*

GN (Gross Negligence)

*Depending upon circumstances and seriousness of each offense –may involve additional disciplinary action up to and including employee dismissal and full cost recovery of damaged property.

Partner employees and Earth Team volunteers are subject to this same policy as NRCS employees. Based upon the circumstances and severity of the incident, further access and use of government equipment may be restricted or denied.